

## SECTION 2.5

### CULTURAL RESOURCES

## **2.5      Cultural Resources**

Data regarding cultural resources were obtained through a literature review, record search, and field survey conducted by Gallegos & Associates, as detailed in the July 2007 and December 2008 Cultural Resource Report (Appendix H to the Merriam Mountains Specific Plan Draft EIR, dated August 2007, and Appendix H to this EIR). The December 2008 Cultural Resource Report was prepared to address a revised alignment along Deer Springs Road since preparation of the July 2007 Cultural Resource Report.

### **2.5.1      Discussion of Existing Conditions Relating to Cultural Resources**

Eight previously recorded cultural resource sites (CA-SDI-4370, CA-SDI-4371, CA-SDI-4558, CA-SDI-5639, CA-SDI-5640, CA-SDI-9253, CA-SDI-9822, and CA-SDI-10747H), one isolate (SDM-W-3880C), and one Historic Location are located in the proposed project boundary and off-site improvement areas. In addition, two newly recorded cultural resource sites (CA-SDI-17264 and CA-SDI-17265); and one new isolate (P-37-025968) were identified within the Merriam SP area. Sites CA-SDI-4370, CA-SDI-4371, CA-SDI-5639, and CA-SDI-5640 are all milling stations that have been destroyed by development and therefore, are not identified as significant resources. The two isolates that have been identified within the project site (SDM-W-3880C and P-37-025968) do not constitute a site according to the State of California and therefore, are not considered significant. Sites CA-SDI-9253, CA-SDI-10747H, CA-SDI-17264, and CA-SDI-17265 were tested and identified as not significant. Sites CA-SDI-4558 and CA-SDI-9822 have been previously tested and identified as significant under the County of San Diego and California Environmental Quality Act (CEQA) criteria. On the basis of human remains and a pictograph feature at CA-SDI-9822, and that CA-SDI-4558 was identified as eligible for placement on the National Register of Historic Places, both sites are identified as significant. The 1901 historic structure location identified within the project site is also identified as a significant resource; if present, subsurface privies, refuse dumps, and architectural foundations could provide information on early homesteading in north San Diego County. Subsequent field-testing at these sites, conducted by Gallegos & Associates in March 2004, redefined site boundaries.

#### ***Previously Recorded Sites***

*CA-SDI-4370.* Site CA-SDI-4370 was not relocated and appears to have been destroyed by previous grading for housing and ranch development. The site was originally recorded as a single milling slick.

*CA-SDI-4371.* Site CA-SDI-4371 was originally recorded as a milling slick and was not relocated within the project area. The majority of CA-SDI-4371 is located outside of the proposed project area. It is likely that the feature has been destroyed by construction of a road or is located outside of the proposed project site.

*CA-SDI-4558.* Site CA-SDI-4558 was relocated during the current study, and two additional bedrock milling features were identified. This site appears to be in the same condition as reported by Cook et al. (1977). One foundation was identified in the central portion of the site, and another foundation was identified adjacent to the north of the site. Both foundations appear to be the remains of residential structures that were described by Cook et al. (1977). Disturbance noted includes foot traffic, the construction of Deer Springs Road, construction of houses, paved access roads, grading, agricultural use, and trash dumping.

*CA-SDI-5639.* Site CA-SDI-5639 was originally recorded as a milling site. The site was not relocated and appears to have been destroyed as a result of the construction of Twin Oaks Valley Road and the San Diego Aqueduct.

*CA-SDI-5640.* Site CA-SDI-5640 was originally recorded as a single milling site. The site was not relocated, as it has been destroyed by the development of Twin Oaks Valley Road.

*CA-SDI-9253.* Site CA-SDI-9253 was originally recorded as multiple bedrock milling features consisting of several slicks. The site was relocated during the current survey. Four bedrock milling features and debitage were noted. A portion of the site has been impacted by the construction of a post-1930s homestead (see site CA-SDI-10747H); however, the majority of the site appears to be in good condition.

*CA-SDI-9822.* Site CA-SDI-9822 was relocated during the current survey. Bedrock milling features and the rock with the red pigment pictograph were relocated. Surface artifacts noted include debitage, pottery, a ceramic pipe, and burned bone. Rodent disturbance, modern trash dumping, and foot traffic were also noted. A protective fence installed by Palomar College is still in place around most of the site area; however, the fence has been partially torn down along Deer Springs Road. The southern portion of site, north of Deer Springs Road, is currently eroding into the road.

*CA-SDI-10747H.* Site CA-SDI-10747H was relocated adjacent to site CA-SDI-9253, and includes the remains of a house, a collapsed wood structure, and a rock and mortar hearth/chimney structure. Disturbance at the site includes foot traffic on the adjacent trail, minor trash dumping, and some off-road vehicle activity.

*SDM-W-3880C.* The isolate was identified within a highly disturbed, graded dirt road, and no additional cultural materials were located.

*Historic Structure.* The location for a historic structure, identified on the 1901 Escondido and San Luis Rey U.S. Geological Survey (USGS) maps, was not relocated and the structure appears to have been destroyed. If present, privy pits, refuse dumps, and architectural foundations may be present on site and could provide information on early homesteading in north San Diego County.

### ***Newly Recorded Sites***

*CA-SDI-17264.* Site CA-SDI-17264 consists of a lithic scatter located in the southwest portion of the project area. This site consists of a single bifacial mano and three assemblages of debitage within a dirt road. Because of the dense vegetation, the site boundary is unknown.

*CA-SDI-17265.* Site CA-SDI-17265 consists of a single bedrock milling feature located in the west portion of the project area, within a flat valley. The single milling feature consists of a large slick, approximately 60 cm by 30 cm in area. No surface artifacts were noted. Disturbance noted included off-road vehicle use adjacent to the site.

*P-37-025968.* Isolate P-37-025968 was located within the northeast off-site improvement area. This isolate is a single piece of debitage that was collected. No features or additional artifacts were noted.

## **2.5.2 Guidelines for the Determination of Significance**

The following guidelines for significance will be considered substantial evidence that a significant impact to cultural resources would occur:

- 1) If the project, as designed, causes a substantial adverse change in the significance of a historical or archaeological resource as defined in Section 15064.5 of the State CEQA Guidelines
- 2) If the project is inconsistent with the County of San Diego Resource Protection Ordinance (RPO) relative to prehistoric and historic sites
- 3) If the project, as designed, disturbs any human remains, including those interred outside of formal cemeteries.

### ***Guideline Sources***

The identified guidelines for significant cultural resource impacts are based on the County of San Diego Guidelines, including the RPO, and CEQA Appendix G Guidelines.

Guideline 1 applies because Section 21083.2 of CEQA and Section 15064.5 of the State CEQA Guidelines require evaluation of whether or not a proposed action would have a significant effect on unique archaeological resources. Any project that would have an adverse (direct or indirect) impact on significant cultural resources would be considered a significant impact, pursuant to the cited sections.

Guideline 2 applies because both Section 15064.5 of the CEQA Guidelines and the County of San Diego RPO require evaluation of whether or not a proposed action would have a significant effect on unique historical resources (sites and structures). The County RPO does not allow non-exempt activities or uses that would be damaging to significant prehistoric or historic lands on properties under County jurisdiction, unless such activities or uses are completed for a scientific investigation. The project is required to be in conformance with applicable County of San Diego standards related to County cultural resources, including the noted RPO criteria on prehistoric and historic sites. Non-compliance would result in a project that is inconsistent with County of San Diego standards.

Guideline 3 applies due to the potential for ceremonial/habitation activity (and resultant burials), based on the presence of pictographs in the vicinity, CEQA Guidelines Section 15064.5(d), and the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.).

### **2.5.3 Analysis of Project Effects and Determination of Significance**

Six sites (CA-SDI-4558, CA-SDI-9253, CA-SDI-9822, CA-SDI-10747H, CA-SDI-17264, and CA-SDI-17265) were tested to determine site significance, in compliance with County of San Diego and CEQA guidelines. A cultural resource is an important historical resource per CEQA Guidelines if it meets any of the criteria found in Section 15064.5 of the CEQA Guidelines. Sites CA-SDI-4370, CA-SDI-4371, CA-SDI-5639, and CA-SDI-5640 were not tested, as these sites have been destroyed by development, mismapped, and/or are located outside of the project area. Isolate finds (P-37-025968 and SDM-W-3880C) were identified as not significant. The 1901 historic structure location is identified as significant; if present, privy pits, refuse dumps, and architectural foundations could provide information on early homesteading in north San Diego County. The testing program, for all sites except the 1901 historic structure location, included a review of previous work, surface collection, documentation of milling features, excavation of Shovel Test Pits (STPs) and test units, artifact analysis, and a determination of site significance.

#### ***Guideline 1: Change in Significance to a Historical or Archaeological Resource***

As noted above, archaeological sites, an historic structure, and isolate finds were discovered and documented during field surveys and through completion of a records search. A summary of each site is provided along with a determination as to the significance of the site, pursuant to

Section 15064.5 of the CEQA Guidelines and County RPO criteria. A detailed discussion of each site can be found in Appendix H to the Merriam Mountains Specific Plan Draft EIR, dated August 2007.

Given the poor site integrity and the low amount of artifacts (human-made items) and ecofacts (non-human-made tools, such as shell, bone, and plant seeds) recovered, sites CA-SDI-9253, CA-SDI-10747H, CA-SDI-17264, and CA-SDI-17265 are identified as not significant under County of San Diego and CEQA criteria (Section 15064.5 of the CEQA Guidelines). Sites CA-SDI-4370, CA-SDI-4371, CA-SDI-5639, and CA-SDI-5640 are milling stations that have been destroyed by development and as such are also identified as not significant under County of San Diego and CEQA criteria (Section 15064.5 of the CEQA Guidelines).

Sites CA-SDI-4558 and CA-SDI-9822 are identified as significant under County of San Diego and CEQA. The 1901 historic structure location is also identified as significant under CEQA. The proposed project has the potential to disturb or damage these sites.

*CA-SDI-4558.* Site CA-SDI-4558 is located within the proposed development impact area and is classified as significant under CEQA and County of San Diego RPO criteria. A portion of this site would be directly impacted by Deer Springs Road improvements (Impact CR-1). The remainder of this site would be avoided and placed within an open space easement; however, indirect impacts would occur from construction, increased accessibility, and the potential for pot-hunters/looters (Impact CR-2).

*CA-SDI-9822.* Site CA-SDI-9822 is located within the proposed development area and is identified as significant under CEQA and County of San Diego RPO criteria. Major portions of this site would be directly impacted by Deer Springs Road improvements (Impact CR-3). The remainder of this site would be avoided and placed within an open space easement. Indirect impacts to the remainder of this site, from increased accessibility and the potential for pot-hunters/looters, would result from implementation of improvements to Deer Springs Road (Impact CR-4).

*1901 Historic Structure Location.* The 1901 historic structure location is within the proposed project development impact area. The 1901 historic structure location was not relocated, and the structure appears to have been destroyed; however, this site is identified as significant under CEQA, as subsurface features that can provide information on early homesteading in northern San Diego County may be present. Potential direct impacts may result from proposed grading activities (Impact CR-5).

Isolates SDM-W-3880C and P-37-025968 do not constitute sites by State of California definition and therefore, are identified as not significant.

*Senate Bill 18.* The Native American Heritage Commission was contacted to request information and/or input regarding Native American concerns either directly or indirectly associated with the Merriam Mountains project as well as names of individuals in the area who should be contacted prior to completion of this study. Those individuals identified by the Native American Heritage Commission were contacted by letter, and information as to cultural resources within the project area was requested (refer to the Cultural Resource Report prepared by Gallegos & Associates, Appendix H to the Merriam Mountains Specific Plan Draft EIR, dated August 2007). A representative from the San Luis Rey Band of Mission Indians and the Pechanga Band of Luiseno Mission Indians have provided monitoring services for survey and test excavation fieldwork conducted. In addition, a meeting at the County of San Diego to address Native American concerns was conducted on November 9, 2004; September 26, 2007; June 3, 2008; and January 26, 2009. Following the September meeting, a field trip to the site was initiated by the County on October 5, 2007. Senate Bill 18 requires cities and counties to contact, and consult with, California Native American tribes prior to amending or adopting a general plan or specific plan, or designating land as open space. As mentioned above, open space easements will be provided for the areas of sites CA-SDI-4558 and CA-SDI-9822 that will not be directly impacted by improvements to Deer Springs Road. The project will continue to coordinate with the Native American representatives in regard to the project-related cultural resources.

***Guideline 2: Project's Consistency with the County of San Diego RPO***

Generally impacts to RPO significant sites are considered significant and unavoidable unless avoided. However, the two RPO significant sites (CA-SDI-9822 and CA-SDI-4558) are located along Deer Springs Road. The project proposes off-site improvements to Deer Springs Road to improve an existing failing LOS and mitigate project-level and cumulative traffic impacts. The County of San Diego Circulation Element classifies the existing two-lane Deer Springs Road as a four-lane Major Roadway. Since Deer Springs Road is a public facility, impacts to these resources would be exempt from RPO according to Article V of the RPO if consistent with the findings presented in Article V for each resource. RPO identifies an essential public facility as “an essential public facility or project, or recreational facility which includes public use.”

As part of the Deer Springs Road Technical Report included in the RPO Study (Appendix F to this EIR) less environmentally damaging alternatives were examined to avoid direct impacts to sites CA-SDI-4558 and CA-SDI-9822. One alternative included modifying Deer Springs Road further south than its current route; however, this would avoid direct impacts only to CA-SDI-4558. Site CA-SDI-9822, which extends south of Deer Springs Road, would still be impacted, and there would be direct impacts to RPO wetlands adjacent to the road. Another alternative considered placement of the road further to the north; however, from an engineering perspective, it was infeasible to build a road against the steep mountain slope. Moreover, direct impacts to

site CA-SDI-4558 would not be avoided. Further alternatives were considered; however, significant biological resources adjacent to the road, the design and curvature of the current road, traffic lane issues and private property complications disqualified those alternatives.

As described in Chapter 1.0, the project proposes an amendment to the RPO and does not propose an exemption per Article V of the RPO. Implementation of the project would result in significant unavoidable impacts to sites CA-SDI-4558 and CA-SDI-9822, which are both considered significant cultural sites under CEQA and the County of San Diego RPO. The project design avoids these sites to the extent feasible. The RPO typically requires avoidance. However, avoidance of impacts to these two sites is not possible; as previously discussed, both sites are located within a Circulation Element roadway improvement area (Deer Springs Road improvements). The RPP includes measures to minimize future impacts to the identified cultural resources and provide for long-term management.

An alternative (Alternative F) for the construction of Deer Springs Road is discussed in Section 5.7 of this EIR. This alternative would include capping a portion of cultural resource sites CA-SDI-4558 and CA-SDI-9822 located within the roadway alignment, and impacts under this alternative would be mitigated through avoidance, index sampling, and a data recovery program. The capping alternative would require that Deer Springs Road be raised as much as 60 feet above the existing pavement. The transitions required to raise the grade of the roadway and descend again to meet the existing at grade alignment include a total length of 4,700 feet. The fill required to cap the cultural sites would be approximately 566,000 cubic yards, resulting in more costly construction. Although the capping alternative would reduce cultural resource impacts, it would also result in new significant and unavoidable noise and land use impacts (see Section 5.7).

### ***Guideline 3: Disturbance to Human Remains***

No evidence of human remains, including those interred outside of formal cemeteries, was discovered during the records search, literature review, or during site surveys with the exception of those identified within Site CA-SDI-9822. See responses to Guidelines for Determination of Significance 1 and 2 above (refer to Impact CR-3).

During construction of the proposed project, the likelihood of undiscovered resources is low due to relatively small number of previously recorded cultural sites in the vicinity of the proposed project. Although the likelihood to affect undiscovered cultural resources is low, the potential to impact undiscovered cultural resources during construction remains; therefore, impacts would be significant (Impact CR-6).



## **2.5.4 Cumulative Impact Analysis**

According to CEQA, the importance of cultural resources comes from the research value and the information that they contain. Therefore, the issue that must be explored in a cumulative analysis is the cumulative loss of information. For sites considered less than significant, the information is preserved through recordation and test excavations. Significant sites that are placed in open space easements avoid impacts to cultural resources and also preserve the data. Significant sites that are not placed within open space easements preserve the information through recordation, test excavations, and data recovery programs that would be presented in reports filed with the County of San Diego and the South Coastal Information Center (SCIC). The artifact collections from any potentially significant site would be curated at the San Diego Archaeological Center and would be available for other archaeologists to study.

A Cultural Resources Cumulative Impact Study was prepared by Gallegos & Associates (2007) for the proposed project (see Appendix H to the Merriam Mountains Specific Plan Draft EIR, dated August 2007). The cumulative analysis included a review of cultural resources within a 20-square-mile area, including the project area and the area within 1 mile of the project area. Three analysis approaches were used to determine the potential cumulative impacts that would result from implementation of the proposed project: (1) review of the original 69 Cumulative Projects, (2) Merriam I-15 Corridor Study, and (3) review of cultural resources within 1 mile of the project area.

Each cumulative impact approach included a review of previously recorded sites and archeological studies, for the purpose of identifying previously recorded cultural resources and the present status of these resources, and to determine cumulative impacts to cultural resources. A records search and literature review were completed at the SCIC at San Diego State University as well as at the California Department of Transportation (Caltrans). Fieldwork to revisit sites in order to field-truth the database or correct mismapped resources was not conducted.

Approach 1 included a review of the original 69 cumulative projects, of which only 16 discuss cultural resources. The 16 projects that discuss cumulative resources are as follows: Mission Road (11), Hidden Meadows II (19), Mountain Gate (22), Black TM (26), Walnut Grove Park (29), Casa de Amparo (30), Pizzuto (31), Sugarbush (37), Canyon Hills (47), San Marcos Highlands (49), Grandview Road (54), Tract 916 (60), Reidy Creek (62), Hollandia Project (63), Hannalei Elementary (65), and Rancho Minerva (66). Of these 16 projects, few if any identify cultural resources, impacts, or mitigation measures. For a number of these studies, archaeological surveys are requested prior to ground disturbing activities. Monitoring of equipment was also recommended. For the sites identified as significant, mitigation of impacts was achieved through data recovery. Avoidance and preservation was identified for only one significant site. For the 16 projects for which data were available, significant cumulative impacts are not identified. It is

undetermined whether cultural resources was not an issue for the remaining 53 projects or if information was simply missing from the files. Given the unevenness of the data available for 53 of the 69 originally identified cumulative projects, cumulative impacts could not be further evaluated beyond the research completed for the 16 projects noted above.

Approach 2 included a review of I-15, which is a transportation corridor and was previously a Native American foot trail. The study area is located adjacent to and northeast of the Merriam Mountains project area. A total of 7,820 ac were reviewed for previous work and previously recorded cultural resources. Approximately 1,160 ac have been previously studied; however, 6,660 ac have not been previously studied. The literature review and records search identified 29 previous studies conducted within the I-15 Corridor and 37 cultural resources were identified and recorded. Of the 37 sites, two were identified as not significant, six were identified as significant, and 29 sites were identified as unknown site status. Seven of the sites have been or are proposed for avoidance, 20 are presumed destroyed as a result of development, and the present condition of 10 sites is unknown. For the I-15 Corridor, less-than-significant cumulative impacts are noted for non-significant cultural resources; however, direct impacts to sites identified as significant have for the most part been avoided.

Lastly, Approach 3 included a review of cultural resources within 1 mi of the project area: total area = 20 sq miles. Assuming that approximately 5 of the 20 sq miles have been surveyed, producing 34 sites, a site density of roughly 5 sites per sq mile can be projected. A total of 34 cultural resource sites and three isolate finds have been recorded within the proposed project and within 1 mi of the project area.

An additional 62 cumulative projects were identified during public review of the DEIR. These projects primarily include subdivisions located within the County of San Diego and several projects located within urban areas in the City of San Marcos. Potential impacts to cultural resources resulting from these 62 cumulative projects have already been considered under Approach 2 and Approach 3 identified above.

In summary, combining Approaches 1, 2, and 3, non-significant cultural resource sites are located within the I-15 corridor that could potentially be affected by cumulative projects and 34 cultural resource sites and three isolates of unknown significance are located within the 20 square mile area considered under Approach 3 that could be affected by cumulative projects. These effects would be in addition to the direct effects of the Merriam project.

The Merriam project is anticipated to result in impacts to five cultural resource sites (CA-SDI-4558, CA-SDI-9822, CA-SDI-17264, CA-SDI-17265, and Historic Structure); two of which are County of San Diego RPO significant sites (CA-SDI-4558 and CA-SDI-9822) that will be directly impacted by Deer Springs Road. One cultural resource is not considered RPO-significant

(Historic Structure), but it is CEQA significant; the other two cultural sites (CA-SDI-17264, CA-SDI-17265) were determined to be not significant. The proposed project's impacts to cultural resources would be significant and unavoidable, and mitigation would include a pre-grade and data recovery program, capping, the placement of portions of significant sites within an open space easement, the curation of all artifacts obtained during the testing and data recovery programs, and recordation of all sites within the project footprint. These measures would reduce direct project impacts but not to a level below significance.

The proposed project would result in significant and unavoidable direct impacts to sites CA-SDI-4558 and CA-SDI-9822. Significance guidelines are the same for direct and cumulative impacts to cultural resources. Since the project would exceed the significance guideline for direct impacts, the guideline for cumulative impacts would also be exceeded and the project would contribute to cumulatively considerable impacts to cultural resources. This cumulative impact would be significant and unavoidable (Impact CR-7).

### **2.5.5 Growth-Inducing Impact**

As discussed in Section 1.7 of this EIR and in Appendix S to the Merriam Mountains Specific Plan Draft EIR, dated August 2007, the growth that would be generated by the project, based on the maximum units allowable under existing General Plan designations, is estimated to be approximately 720 dwelling units. Development of these units would be subject to normal county review and processing requirements, including CEQA review for all project proposals requiring discretionary actions. As part of such CEQA review, it is anticipated that potential cultural resource impacts would be analyzed and addressed for each of these project proposals. Therefore, potential growth-inducing impacts to cultural resources would be mitigated as part of future associated discretionary actions, should they occur.

#### ***Summary of Impacts***

The following cultural resource impacts have been identified.

- CR-1      Direct impacts to 39 percent of site CA-SDI-4558 due to improvements to Deer Springs Road.
- CR-2      Indirect impacts to site CA-SDI-4558 due to improvements to Deer Springs Road and increased accessibility with the implementation of the proposed project.
- CR-3      Direct impacts to 76 percent of site CA-SDI-9822 due to improvements to Deer Springs Road.

- CR-4 Indirect impacts to site CA-SDI-9822 due to improvements to Deer Springs Road and increased accessibility with the implementation of the proposed project.
- CR-5 Direct impacts to potential buried cultural resources, including privy and dump features that may be present at the 1901 historic structure location.
- CR-6 Direct impacts to undiscovered cultural resources during ground disturbing activities.
- CR-7 Cumulative impacts to cultural resources.

### **2.5.6 Mitigation Measures**

The following mitigation measures have been provided to minimize the cultural resource impacts discussed above. It should be noted that the following mitigation measures shall be assured through the RMP prepared for the proposed project.

- M-CR-1a Prior to approval of grading plans, the project applicant shall contract with a San-Diego-County-certified archaeologist to implement a grading-monitoring program to the satisfaction of the Director of the Department of Planning and Land Use (DPLU). Verification of the contract shall be presented, in letter from the Project Archaeologist to the Director of DPLU. The program shall include, but not be limited to, the following:
  - 1. The consulting archaeologist shall contract with a Native American Observer to be involved with the grading-monitoring program.
  - 2. During the original cutting of previously undisturbed deposits, the archaeological monitor(s) (and Native American Observer) shall be on site, depending on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. Monitoring and the need for monitoring will be at the discretion of the qualified principal archaeologist. Monitoring locations may also include designated archeological high-probability areas at watercourse crossings and near known resources. Intermittent monitoring may occur in areas of moderate archeological sensitivity at the discretion of the qualified/principal archaeologist. Multiple monitors may be required, due to the amount of grading being completed at any time, at the discretion of the principal archaeologist.
  - 3. In the event that previously unidentified potentially significant cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground-disturbance operations in the area of discovery to

allow evaluation of potentially significant cultural resources. The San Diego County Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the consulting archaeologist and approved by the San Diego County Archaeologist, then carried out using professional archaeological methods. If any human remains are discovered, the San Diego County Coroner shall be contacted. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant (MLD), as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains.

4. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The archaeological monitor(s) and Native American Observer shall determine the amount of material to be recovered for an adequate artifact sample for analysis.
5. In the event that previously unidentified cultural resources are discovered, all cultural material collected during the grading-monitoring program shall be processed and curated according to current professional repository standards. The collections and associated records shall be transferred, including title, to an appropriate federally recognized curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation.
6. In the event that previously unidentified cultural resources are discovered, a report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the Director of DPLU prior to the issuance of any building permits. The report will include Department of Parks and Recreation Primary and Archaeological Site forms.
7. In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Director of DPLU by the consulting archaeologist, confirming that the grading-monitoring activities have been completed.

M-CR-1b All cultural resources, except burial-related artifacts and unless otherwise required by law, excavated or removed from prehistoric or historic sites during testing and/or data recovery programs, along with all associated project data, will be

permanently curated at a federally recognized curation facility as defined by the *State of California Guidelines for the Curation of Archaeological Collections* (California Resources Agency 1993). Curation includes, but is not limited to, field notes, photographs, catalogues, and final reports. Collections from previous excavations at sites CA-SDI-4558 and CA-SDI-9822 shall be combined with the collection recovered as a result of the current study and with any future extended testing and/or data recovery programs. These artifacts and associated documentation are necessary to produce a comprehensive report for sites CA-SDI-4558 and CA-SDI-9822. Additionally, the owner agrees to execute a release of title form and to pay the required curation fees in effect at the time of curation. All curation shall be accomplished within six (6) months of completion of the project.

- M-CR-1c      Site CA-SDI-4558 – Prior to approval of grading plans, the project applicant shall implement the Data Recovery and Index Sampling plan as detailed in Section 12 of the Cultural Resource Report (Appendix H to the Merriam Mountains Specific Plan Draft EIR, dated August 2007). The implementation of the research design and data recovery program constitutes mitigation for the proposed destruction of a portion of archaeological site CA-SDI-4558. The data recovery program shall include, but not be limited to, the following:

The program will include an initial excavation of 35 1-by-1-meter data recovery units, analysis of artifacts and ecofacts, and special studies, including radiocarbon dating, obsidian sourcing, and protein residue analysis. The data recovery program will provide a database to address research questions in a technical report of findings. The research design includes, but is not limited to, the following: (1) the research orientation for the precontact study will focus on chronology, lithic technology, settlement and subsistence strategy, environmental setting, and trade and travel. (2) The research orientation for the historical study will focus on functional pattern recognition, consumerism, economic indexing, consumption pattern analysis, and dietary studies. All artifacts and ecofacts recovered will be cleaned and analyzed and special studies will be completed as needed and may include lithic, shell, bone, radiocarbon dating, obsidian sourcing and dating, precontact ceramics, protein residue analysis and historic artifact analyses. Mitigation measure M-CR-1b shall also be implemented to mitigate this direct impact.

- M-CR-1d      Sites CA-SDI-4558 and CA-SDI-9822 – Prior to recordation of the map, prior to issuance of grading or any improvement permits, and prior to the implementation

of the Data Recovery Program, a Pre-Excavation Agreement shall be in place, signed by the applicant and the San Luis Rey Band of Luiseno Indians. This agreement shall designate the MLD and the protocol to follow in the event that Native American human remains are discovered during data recovery. Proof of the signed Pre-Excavation Agreement must be presented to the County of San Diego and be to the satisfaction of the Director of DPLU before starting the data recovery excavation.

- M-CR-2a      The portion of site CA-SDI-4558 that will be avoided and placed within an open space easement (i.e., indirectly impacted) shall be temporarily fenced around the areas designated as environmentally sensitive when construction activities occur near the site. Construction equipment shall be directed away from the site, and construction personnel shall be directed to avoid entering the area. Permanent ranch-style fencing shall be installed after road construction, to protect that portion of the site not impacted for road construction. Under the direction of the consulting archaeologist and Native American Luiseno monitor, the portion of the site within the open space easement shall be cleared of non-native vegetation; however, native vegetation will remain. Non-native trees will be cut to level with roots left in place. Non-native grasses and brush will be cleared by hand or weed-whacker. The cement foundation shall be carefully removed, and capping using clean fill soil shall be used to fill in the foundation area. Minor capping, where possible, shall consist of 3 to 6 in of clean fill soil and shall include bedrock milling features where feasible (those that are close to ground level). A one-time hydroseeding for shallow-rooted native plants shall provide a protective layer to the site. No underground sprinkler system or water system shall be used to promote vegetation.
- M-CR-2b      If necessary, during the construction phase, after-hours monitoring of the open space easements by a private security company, per the discretion of the principal archaeologist, will be employed to maintain a high-visibility presence and to watch, through patrols, for signs of trespassing, vandalism, pot-hunting, or other site damage; then, taking action and/or reporting any incidents to their client, employer, and the County of San Diego. Significant sites located within open space easements will be managed according to the RMP. Specific activities prohibited within the open space easements should include (but not be limited to) construction of homes and buildings, surface mining activities, industrial uses, commercial uses, off-road vehicle activity, and dumping. In addition, periodic inspection of the property to verify compliance with the open space easement

guidelines is to be conducted by the County of San Diego or by a qualified archaeologist.

M-CR-3      Site CA-SDI-9882 – Prior to approval of grading plans, the project applicant shall implement the Data Recovery and Index Sampling Plan as detailed in Section 12 of the Gallegos & Associates Cultural Resource Report (Appendix H to the Merriam Mountains Specific Plan Draft EIR, dated August 2007). The implementation of the research design constitutes mitigation for the proposed destruction of a portion of archaeological site CA-SDI-9822. The data recovery program shall include, but not be limited to, the following:

1. Mitigation measure M-CR-1d.
2. The data recovery program will involve the excavation of 100 1-by-1-meter sample units, artifact analysis, re-analysis of previously collected materials collected by Palomar Community College, special studies, and a report of finding. The data recovery, along with a re-analysis of previously collected materials, will provide a database to address research questions in a technical report of findings. The research design includes, but is not limited to, the following: The research orientation for the precontact study will focus on chronology, lithic technology, settlement and subsistence strategy, environmental settling, and trade and travel. All artifacts and ecofacts recovered will be cleaned and analyzed, and special studies will be completed as needed, which may include lithic, shell, bone, radiocarbon dating, obsidian sourcing, precontact ceramics, protein residue analyses, and historic artifact analyses. Verification of the contract shall be presented in a letter form from the Project Archaeologist to the Director of DPLU. Mitigation measure M-CR-1b and M-CR-2b shall also be implemented to mitigate this impact.

M-CR-4      Indirect impacts to site CA-SDI-9822 shall be mitigated through an open space easement (of the portion of the site not directly impacted by road construction), temporary fencing, and minor capping, all under the direction of the consulting archaeologist and the Native American Luiseno monitor. The temporary fencing shall be constructed around the areas designated as environmentally sensitive when construction activities occur near the site. Construction equipment shall be directed away from the site, and construction personnel shall be directed to avoid entering the area. Minor capping of the site within the open space easement area shall consist of 3 to 6 in of clean soil and shall only cover the surface of the site



and, where feasible, shall include bedrock milling features (those that are close to ground level); however, the pictograph feature shall not be capped. Seeding for shallow-rooted native plants shall be used within the site boundary to provide a protective layer to the site. Photo documentation and re-analysis of the pictograph feature shall also be conducted by a professional archaeologist. Prior to initiation of any grading within the vicinity of site CA-SDI-9822, the following shall be completed: A framework of Polyvinyl chloride (PVC) shall be constructed to enclose the boulder with the pictograph. The frame shall be no closer than 3 ft to the actual rock. Canvas sheets shall be placed over the frame and the pictograph boulder for the duration of the grading program within the vicinity of site CA-SDI-9822. Grading shall be no closer than 18 feet from the pictograph boulder. Before and after photo documentation shall also be completed to ensure the success of the protection during construction.

M-CR-5 For the 1901 historic structure location, a pre-grade and data recovery program shall be completed to locate buried features, analysis of materials recovered shall be performed, and a report of findings shall be completed. The research orientation for the historical study will focus on functional pattern recognition, consumerism, economic indexing, consumption pattern analysis, and dietary studies. This plan, as detailed in the Cultural Resource Report prepared by Gallegos & Associates (Appendix H to the Merriam Mountains Specific Plan Draft EIR, dated August 2007), shall include a controlled backhoe excavation to determine the presence and/or absence of buried historic resources. If subsurface features and artifacts are identified, then a data recovery program shall be conducted that shall include manual excavations of 3-by-3-foot recovery units followed by block excavations and feature excavations if necessary, as well as an analysis of artifacts. Special studies may include, but will not be limited to, glass, ceramic, metal, and faunal analysis, to address the research questions posed. Mitigation measure M-CR-1b shall also be implemented to mitigate this direct impact.

M-CR-6 In the event that previously unidentified potentially significant cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow evaluation of potentially significant cultural resources. The archaeologist shall contact the County Archaeologist at the time of discovery. The archaeologist, in consulting with County staff archaeologist, shall determine the significance of the discovered resources. The County Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For

significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the consulting archaeologist and approved by the County Archaeologist, then carried out using professional archaeological methods. If any human remains are discovered, the County Coroner shall be contacted. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains.

Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The archeological monitor(s) and Native American Observer shall determine the amount of material to be recovered for an adequate artifact sample for analysis.

In the event that previously unidentified cultural resources are discovered, all cultural material collected during the grading and monitoring program shall be processed and curated according to current professional repository standards. The collections and associated records shall be transferred, including the title, to an appropriate curation facility within San Diego County, to be accompanied by payment of fees necessary for permanent curation.

#### **2.5.7 Conclusion**

Implementation of the project would result in significant unavoidable impacts to sites CA-SDI-4558 and CA-SDI-9822 (Impacts CR-1 and CR-3), which are both considered significant cultural sites under CEQA and the County of San Diego RPO. Implementation of measures M-CR-1a, M-CR-1b, M-CR-1c, M-CR-1d, and M-CR-3 would include a grading-monitoring and data recovery program; however, impacts would remain significant and unavoidable because portions of the cultural sites would be directly impacted during roadway improvements. As described in Chapter 1.0, the project proposes an amendment to the County of San Diego RPO. Documentation of the reasons for and conformance to the benefits of the proposed project are detailed in the RMP. Indirect impacts to sites CA-SDI-4558 and CA-SDI-9822 have been identified as Impact CR-2 and Impact CR-4. Mitigation measures M-CR-2a, M-CR-2b, and M-CR-4 would reduce indirect impacts to a level below significance, through measures such as the placement of temporary fencing (to prevent access to the sites) and minor capping.

An alternative alignment for the construction of Deer Springs Road has been provided in Section 5.7 of this EIR. The alternative alignment for Deer Springs Road would include capping a portion of cultural resource sites CA-SDI-4558 and CA-SDI-9822 located within the roadway

alignment, and impacts under this alternative would be mitigated through avoidance, index sampling and a data recovery program.

The impact to the 1901 historic structure location is identified as Impact CR-5. Mitigation measure M-CR-5 would reduce impacts to these resources to below a level of significance because data recovery would allow historical information to be obtained prior to removal.

Mitigation measure M-CR-6 would reduce impacts to potential undiscovered resources within the project area during ground disturbing activities (Impact CR-6).

Alternative alignments for Deer Springs Road in the vicinity of the significant sites were studied to find the least environmentally damaging alignment. The RPO Study (Appendix F of the EIR) includes a study of the alignments including the topography, biological, and cultural resources, and physical take of occupied properties and concluded the alignment should remain near the existing alignment. The proposed project would result in significant and unavoidable direct impacts to sites CA-SDI-4558 and CA-SDI-9822 (Impact CR-1 and CR-3). Significance guidelines are the same for direct and cumulative impacts to cultural resources. Since the project would exceed the significance guideline for direct impacts, the guideline for cumulative impacts would also be exceeded and the project would contribute to cumulatively considerable impacts. This cumulative impact would be significant and unavoidable (Impact CR-7). Implementation of measures M-CR-1a, M-CR-1b, M-CR-1c, M-CR-1d, and M-CR-3 would include a grading-monitoring and data recovery program; however, significant and unavoidable cumulative impacts would also remain as a result of roadway improvements because there is no feasible or physical way to keep the roadway on the least overall damaging alternative alignment (in the vicinity of the significant sites) and to further avoid site impacts.